

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 AMRISH RAJAGOPALAN, on behalf of
6 himself and all others similarly situated,

7 Plaintiff,

8 v.

9 NOTEWORLD, LLC,

10 Defendant.

CASE NO. C11-05574BHS

ORDER GRANTING
DEFENDANT'S MOTION TO
STAY DISCOVERY

11 This matter comes before the Court on Defendant NoteWorld, LLC's Motion to
12 Stay Discovery (Dkt. 19). The Court has considered the pleadings filed in support of, and
13 in opposition to, the motion and the remainder of the file. For the reasons stated herein,
14 the Court grants the motion subject to the exception listed below.

15 **I. PROCEDURAL HISTORY**

16 On July 26, 2011, Amrish Rajagopalan ("Plaintiff") filed his complaint against
17 NoteWorld, LLC ("Defendant") on behalf of himself and all others similarly situated.
18 Dkt. 1. On August 1, 2011, the Court issued a minute order regarding initial disclosures,
19 joint status report and early settlement. Dkt. 8. In that order, the Court set an initial
20 disclosure deadline of November 22, 2011. *Id.*

21 On October 5, 2011, Defendant filed a motion to dismiss or to stay litigation and
22 compel arbitration. Dkt. 14. On November 14, 2011, Plaintiff responded. Dkt. 15. On
December 2, 2011, Defendant replied. Dkt. 26.

1 On November 18, 2011, Defendant filed the instant motion to stay discovery
2 pending the resolution of the motion to dismiss or to stay litigation and compel arbitration
3 (“Motion to Compel Arbitration”). Dkt. 19. On December 5, 2011, Plaintiff responded.
4 Dkt. 28. On December 9, 2011, Defendant replied. Dkt. 30.

5 Notwithstanding the pending motions, Plaintiff served his initial disclosures by the
6 Court-issued deadline of November 22, 2011. Dkt. 28 at 5. Defendant did not. *Id.* The
7 Joint Status report that the parties filed on November 29, 2011 (Dkt. 23) contemplated
8 that the parties would exchange initial discovery requests by December 15, 2011, and that
9 Defendant would begin ESI discovery by January 15, 2012. Dkt. 23 at 12. As of
10 December 5, 2011, Plaintiff had not served NoteWorld with any discovery requests.
11 Dkt. 28 at 5.

12 II. DISCUSSION

13 A district court has broad discretion over processes governing discovery.
14 *Brookhaven Typesetting Servs., Inc. v. Adobe Sys., Inc.*, 332 Fed. Appx. 387 at *2 (9th
15 Cir. 2009) (citing *Wood v. McEwen*, 644 F.2d 797, 801 (9th Cir. 1981)). Here, Defendant
16 asks the Court to stay discovery pending the resolution of its Motion to Compel
17 Arbitration. Dkt. 14. In evaluating this request, the Court acknowledges Plaintiff’s
18 desire to commence discovery consistent with the case schedule and the agreed-to Joint
19 Status Report. At the same time, the Court recognizes that a determination on whether or
20 not this matter is ultimately arbitrable could impact the nature and scope of discovery.
21 Weighing these and other considerations, the Court finds that a short stay is appropriate
22 under the circumstances. Indeed, the Court anticipates issuing a ruling on Defendant’s

1 Motion to Compel Arbitration within days, and, accordingly, the Court finds that the
2 limited duration of the stay will not prejudice Plaintiff's efforts to build his case.

3 However, the Court disagrees with Defendant's decision to withhold initial
4 disclosures, which were due on November 22, 2011. Defendant has an independent
5 obligation under Fed. R. Civ. P. 26(a)(1) that is unaffected by the instant motion, and
6 Defendant may not avoid that obligation on the basis that it has a pending Motion to
7 Compel Arbitration. To be sure, the Court has not made a final determination on the
8 Motion to Compel Arbitration, but, until it does so, the Court requires compliance with
9 the Civil Rules.

10 **III. ORDER**

11 Therefore, it is hereby **ORDERED** that:

- 12 1. NoteWorld's motion to stay discovery is GRANTED;
- 13 2. All discovery is stayed until such time that the Court lifts the stay; and
- 14 3. NoteWorld shall serve its initial disclosures by no later than
15 January 16, 2012.

16 Dated this 9th day of January, 2012.

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19 BENJAMIN H. SETTLE
United States District Judge